

your verdict. You need not wait for the Court to be in session. Under the agreement of counsel, whenever you have agreed upon your verdict, you may announce it to the officer in charge, and the clerk will take your verdict.

The jury retired.

The following points for charge were submitted by the Government:

(1) If the jury believes as a matter of fact that interstate shipments, all of which are included in the Government's samples, was below the minimum United States Pharmacopoeia, then the jury must bring in a verdict of guilty. (2) The standards of the United States Pharmacopoeia as defined in section 7, in the case of drugs, paragraph 1, are to all intents and purposes parts of the law, and such drug products shipped in interstate commerce should not be deviated in any degree from these standards.

CHARLES D. MCAVOY, *United States Attorney.*

The following points for charge were submitted by the defendants:

The Learned Trial Judge is respectfully requested, on behalf of the defendant, to charge the jury as follows:

- (1) On all the evidence your verdict should be for the defendant on the first count.
- (2) On all the evidence your verdict should be for the defendant on the second count.

C. RUSSELL PHILLIPS, *Attorney for Defendant.*

On June 18, 1935, the jury returned a verdict of guilty and the court imposed a fine of \$250.

W. R. GREGG, *Acting Secretary of Agriculture.*

24629. Misbranding of Espiritu Water. U. S. v. Doris E. Lame (The Espiritu Water Co.). Plea of guilty. Fine, \$200. Sentence suspended and defendant placed on probation for 1 year. (F. & D. no. 30219. Sample no. 38888.)

This case was based on an interstate shipment of mineral water which contained smaller amounts of certain minerals than declared on the label. The labeling contained unwarranted curative and therapeutic claims.

On September 10, 1934, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Doris E. Lame, trading as the Espiritu Water Co., Safety Harbor, Fla., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about October 26, 1931, from the State of Florida into the State of Massachusetts of a quantity of Espiritu Water which was misbranded.

The article was alleged to be misbranded in that certain statements regarding its curative and therapeutic effects, borne on the bottle label and in a leaflet shipped with the article, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for diseases of the stomach, liver, and kidneys, rheumatism, neuritis, kidney stones, and other kidney irregularities; effective as a cure for Bright's disease, bladder troubles, diabetes, dropsy, high blood pressure, gout, stomach and bowel troubles, eczema, psoriasis, cystitis, calculus, sciatica, and all other forms of rheumatism, catarrh of the stomach, digestive troubles of the stomach and bowels, chronic skin disease, chronic skin disease of the squamous varieties and chronic conditions due to malarial infections; and effective as beneficial for many kidney and rheumatic conditions. Misbranding was alleged for the further reason that the statements "Spring No. 2 * * * Peroxide Iron and Alumina .1692 Sodium Chloride 137.8520 Magnesium Chloride 25.8768 Potassium Sulphate 3.4815 Calcium Sulphate 19.7172 Calcium Carbonate 12.6145 Silica .9972 Total Solids by Evaporation 254.9195", appearing in the leaflet, were false and misleading in that the said statements represented that the article consisted of mineral water containing certain specified quantities of the said ingredients; whereas it contained less than the stated quantities of the said ingredients.

On June 11, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$200, and ordered that sentence be suspended and the defendant placed on probation for 1 year.

W. R. GREGG, *Acting Secretary of Agriculture.*

24630. Adulteration and misbranding of fluidextract of squill. U. S. v. 21 Pint Bottles of Fluidextract Squill. Default decree of condemnation and destruction. (F. & D. no. 31264. Sample no. 55785-A.)

This case involved a shipment of fluidextract of squill, samples of which were found to have a potency of less than two-fifths of that required by the United States Pharmacopoeia.

On October 23, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 bottles of fluid-